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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re: US Patent Application 09/551,252
Filed April 18, 2000
Applicant Brodbeck
Art Unit 3724
Examiner Clark F. Dexter
Telephone 571-272-5414
Attorney Docket (MM) 53 928

Mail Stop – Response with No Fee
Commissioner for Patents
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Communication to the Examiner

Dear Examiner Dexter:

As you know, there is currently an outstanding final office action, mailed 07/28/2008, and Applicant's attorney has arranged to have a discussion with the Examiner regarding that office action and the present application on 10/16/2008, 3 PM EST. This communication conveys a DVD in which the invention is shown in use. The DVD is intended to be used by the Examiner in the above-mentioned discussion between the Examiner and Applicant's attorney. The DVD submitted herewith is not intended to Brodbeck (MM) 53 928 09/551,252
Submission to be Used in Connection with Discussion that will Occur between the Examiner and Applicant's Attorney in order to prepare an Amendment After Final Action in Response to the final Office Action mailed 7/28/2008
Submitted on 10/08/2008 with express mail certification and acknowledgement postcard

be submitted to the formal application file at this point of time. However, Applicant's attorney may wish for the DVD to be inserted into the formal application file after the discussion or in connection with the Amendment After Final Action submitted in response to the outstanding office action. Therefore, it is respectfully requested that the Examiner keep the DVD to place it in the application file, in the event such formal submission is determined appropriate.

Prior to the present, outstanding final office action, Applicant submitted an Amendment on 04/04/2008. In this Communication to the Examiner, Applicant intends for the Examiner to use the submission of 04/04/2008, as well as the DVD submitted herewith, as the basis for the discussion that will occur on 10/16/2008. Please review the DVD prior to the discussion.

The Examiner has not, thus far, been able to visualize how the connection between the slide 17 and the threaded spindle 16 operate. The Examiner has stated that it is unclear how the slide 17 is moved on, or with respect to, the guide rail 16. Applicant respectfully maintains that the Replacement Sheet for Figure 1 and the amended claims (previously submitted) should clarify this for the Examiner. The slide 17 is driven to travel along the guide rail 16 by means of a toothed belt, a chain, or the like, e.g., the threaded spindle 26 shown in the Replacement Sheet for Figure 1. (See replacement paragraph [0020], previously submitted).

The Examiner has stated that it is unclear how the ejector 21 is connected to the guide rail 16. As previously discussed, the ejector 21 is connected to the guide rail 16 through the ejector sleeve 41. (See paragraph [0028], previously submitted).

The Examiner asked how the cutting units and the ejector are independently moved/positioned along the guide rail 16. In this respect, the Examiner asked how the ejector 21 is moved with respect to the counter-holder 13. As previously discussed, the ejector 21 is arranged to the left of the cutting tool 19 of the unit 35. (See replacement paragraph [0028], previously submitted). This ejector 21 has a movable bolt 39, as shown in the Replacement Sheet for Figure 1 (previously submitted). The movable bolt 39 is movable in the direction toward the counter-holder 13. (See paragraph [0028], previously submitted).

The Examiner stated that it is not clear how the ejector 21 can move from the initial position 23 to the ejector position 24 without running into at least one of the cutting units 30 and 53. As previously discussed, the ejector 21 is spaced apart from the counter-holder 13, as shown in the upper portion of the Replacement Sheet for Figure 1 (previously submitted). Thus, Applicant respectfully maintains that the previous submissions should clarify the invention. Specifically, previously submitted Figure 1 should make it clear how the ejector 21 can move in a leftward direction from the initial position 23 to the ejector position 24 without running into the cutting units 30 and 53. (See the Replacement Sheet for Figure 1 and replacement paragraph [0025], previously submitted).

The Examiner asked how the cutting units 30, 53 and 35 and the ejector 21 are each connected to the threaded spindle for movement along the guide rail 16. This is shown in the upper portion of the Replacement Sheet 1 for Figure 1 and replacement paragraph [0025], previously submitted.

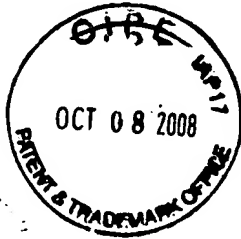
The Examiner asked how the cutting units and the ejector 21 can be separately controllable or positionable to attain the desired cutting arrangements to produce different length tubes as claimed in claim 39, lines 10 and 11. Applicant respectfully maintains that this is clearly explained in paragraph [0028] (previously submitted), which states: "As soon as the flange 18 has come into an ejector position 24, the ejector 21 can be driven **by means of a relay or by means of a control, as is known in the art**, so that the bolt 39 engages in a groove 42 or in a correspondingly formed recess on the bolt 39. After this (the slide 17) is positively arranged in the groove 42, the slide 17 can be guided over into the initial position 23, upon which the cut-off sleeve is ejected. Immediately before the end of the counter-holder 13, the bolt 39 is brought back into its initial position, so that the ejector sleeve 41 remains near the free end of the counter-holder 13, which is brought back into its initial position by loading a new tube 12 onto the counter-holder 13." (Emphasis and underlining added).


In further review of the specification, Applicant respectfully believes that the amendments to the specification previously submitted should answer the Examiner's questions without adding new matter, and do not require a further search. The previously submitted amendments to the specification were set forth in the replacement paragraphs previously provided.

Applicant's attorney wishes to express his sincere gratitude to the Examiner for agreeing to participate in the discussion that will occur on 10/16/2008 at 3 PM EST, and for reviewing the DVD and the submission of 04/04/2008 (as well as the application file in general) prior to the discussion.

Wherefore it is respectfully believed that reviewing the DVD and the previous submissions will allow the Examiner to further consider and allow the claims of the present application.


Respectfully submitted,




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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as express mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10/08/2008. *Mail Label CB377949554US.*


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